

EXHIBIT F

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF NEW YORK : CIVIL TERM : PART 37

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THE PEOPLE OF THE STATE OF NEW YORK,
BY LETITIA JAMES, ATTORNEY GENERAL OF THE
STATE OF NEW YORK,

Petitioner,

INDEX NO:
451685/2020

-against-

THE TRUMP ORGANIZATION, INC.;
DJT HOLDINGS, LLC; DJT HOLDINGS MANAGING
MEMBER, LLC; SEVEN SPRINGS, LLC;
ERIC TRUMP; CHARLES MARTABANO; MORGAN,
LEWIS & BOCKIUS, LLP; SHERI DILLON; AND
ALLEN WEISSELBERG,

Respondents.

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VIA SKYPE
New York, New York
September 23, 2020

B E F O R E:

HONORABLE ARTHUR F. ENGORON, Supreme Court Justice

A P P E A R A N C E S:

ATTORNEY GENERAL OF THE STATE OF NEW YORK

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-continued-

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Stefanie Johnson
Senior Court Reporter

Proceedings

1 THE COURT: Good morning and welcome, parties,
2 counsel, and anyone else following these proceedings. My
3 name is Arthur Fredrickson Engoron and I am a New York
4 State Supreme Court justice presiding virtually over
5 Part 37 of the Supreme Court New York County, located at
6 60 Centre Street, New York, New York.

7 In the present case titled the People of the
8 State of New York by Letitia James, Attorney General of
9 the State of New York, against the Trump Organization,
10 Inc.; DJT Holdings, LLC; DJT Holdings Managing Member,
11 LLC; Seven Springs, LLC; Eric Trump; Charles Martabano;
12 Morgan, Lewis, & Bockius; Index Number 451685/2020,
13 brought pursuant to Executive Law 63(12), the Attorney
14 General referred to in all the papers as OAG, as in
15 office of the Attorney General, who I will refer to as
16 the AG, seeks to compel the respondents to appear to be
17 deposed, that is, to answer questions under oath and/or
18 to turn over documents analog or digital. The AG is
19 conducting a confidential ongoing civil investigation
20 into potential fraud and legality.

21 I also preside over special proceedings brought
22 pursuant to Real Property Action and Proceedings Law
23 Section 881, pursuant to which the owner of real property
24 seeks access to an adjoining property to construct or
25 repair a building. If the adjoining property owner

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1 refuses to grant access or license to this, this Court
2 has the power to grant a license. The adjoining property
3 owner often complains "I don't want a tall building next
4 to me, I did nothing wrong," and I typically respond,
5 "Nobody wants a tall building next door and we know you
6 did nothing wrong."

7 Well, here nobody wants the AG to investigate
8 him or her or it. The law and I certainly presume no
9 fraud and/or illegality. However, as Justice Oliver
10 Wendell Holmes Junior said, "Taxes are the price we pay
11 for civilization." Well, investigations and prosecutions
12 are not a price we pay for civilization. The AG has the
13 right to conduct this investigation.

14 As an old saying has it, The law is entitled to
15 every person's evidence. Those being investigated have
16 rights too. One is the right to confidentiality that the
17 law provides to a client's communication with his, her,
18 or its attorney seeking legal advice for a lawful purpose
19 and this is known as the attorney-client privilege, a
20 well-established and bedrock principle that a client
21 receive confidential, complete, and competent advice from
22 their attorneys without fear of disclosure. Attorney
23 work product, essentially the thought processes of an
24 attorney, is also immunized from disclosure as the
25 attorney prepared for litigation and/or for trial.

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1 was valued at \$21 million. It was taken for that, your
2 Honor.

3 I don't really understand what the AG's office
4 is looking for beyond what they have and what we've given
5 to them already. There's no dispute that the deduction
6 was for 21.1 million. They have the tax returns. They
7 have the tax returns for the Seven Springs entity. Those
8 tax returns clearly reflect the \$21.1 million donation.
9 They have the Form 1065. They have the Schedule K-1s
10 listing all of the ownership interest. They have the
11 Schedule M-3 showing the net income or loss on
12 reconciliation, which specifically expressly includes the
13 \$21.1 million charitable donation. It had the Schedule A
14 attached to that. They had the Schedule M-3, which also
15 spells out the \$21.1 million donation. And they have the
16 Schedule K-1 that is issued to the partners of Seven
17 Springs.

18 Again, your Honor, we've been very cooperative
19 with the Attorney General throughout this investigation.
20 They think something is there that's not there. They
21 don't have to believe us, we understand they have a right
22 to investigate this, but the question is ultimately how
23 did the Trump Organization value the Seven Springs
24 property in their statement of financial condition.
25 There's no dispute that we valued it at exactly what the

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1 that.

2 At the time Eric Trump was being represented by
3 counsel for the Trump Organization, which is still the
4 same counsel, obviously, on this call. Excellent,
5 excellent counsel, but they're representing the
6 organization. That was sometime in mid July. Toward the
7 end of July, it was decided, I think correctly, that new
8 counsel come on board for Mr. Eric Trump, which we did.
9 I did, Mr. Mukasey did, and that resulted in a series of
10 letters back and forth, a couple of letters back and
11 forth with respect to our position and some questions to
12 the Attorney General to the nature and scope of their
13 investigation, whether they're sharing materials, things
14 like that. Your Honor has the letters before you.

15 The bottom line is where we are today is this,
16 your Honor, Mr. Mukasey and I -- there is a massive
17 amount of material that is involved in this
18 investigation, as your Honor has just heard. Your Honor
19 has been listening to lawyers for one hour and 50
20 minutes. Your Honor has heard about thousands, if not
21 hundreds of thousands, of documents being turned over.

22 Mr. Mukasey and I need time to prepare
23 Mr. Trump, we need to work with him and prepare him for
24 testimony. Obviously, we're willing for him to -- as
25 we've written to the Court and as we asserted to the

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1 Attorney General, we're happy for him to sit down and be
2 deposed, but we need time to go through these materials.
3 We need time to prepare our client. And I think, as the
4 world knows, there is an election going on in about four,
5 five weeks in this country. Mr. Trump, Eric Trump, is a
6 vital and integral part of that and he is traveling just
7 about seven days a week, if not, in fact, seven days a
8 week.

9 What we proposed in our papers and what we
10 proposed to Mr. Colangelo is this. We know the Attorney
11 General has depositions into October. By the time other
12 depositions will go -- we're fairly confident there are
13 depositions that the attorney will be taking in October.
14 The election is November 3rd. What we did is proposed
15 some dates after November 3rd when we'll have time to
16 meet with Eric Trump, the time for Mr. Mukasey and I to
17 review the voluminous materials, prepare him and be ready
18 for a deposition. That's all we asked for, your Honor.
19 I think it's reasonable under all the circumstances. And
20 it was also reasonable, I think, also for Mr. Eric Trump
21 to get independent counsel just for him alone, which he
22 did, and so we're trying to do that and properly fulfill
23 that obligation and fulfill that duty. That's our only
24 request, your Honor, to have the deposition after --
25 basically, any point after November 3rd.

1 review. All documents submitted to the Court should be
2 Bates stamped with a privilege log that includes a place
3 for the Court to mark its individual rulings.

4 Now, I am going to change a word here, a word
5 there, but in a "that," but in a "hereby," absolutely not
6 changing the substance. You got it all. I just want
7 this to be as well written and unambiguous as possible.
8 After I do that, I'll get this done today, I will sign it
9 and upload it to NYSCEF, New York State Court Electronic
10 Filing System, and it should be public that way.

11 If anybody wants to say anything briefly, I'll
12 listen. I think I've done all I can do. I'm listening.

13 MS. GREENFIELD: We are going to give you all
14 our cell phone numbers as the EBTs get scheduled.

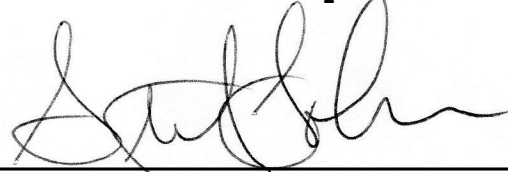
15 THE COURT: I'm here every day. I don't break
16 for lunch. You can call me any time, you're 97 percent
17 sure to get me.

18 *(Proceedings concluded.)*

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20 C E R T I F I C A T I O N

21 It is hereby certified that the foregoing is
22 a true and accurate transcript of the original
23 stenographic minutes taken of this proceeding.

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25 **STEFANIE JOHNSON**
Senior Court Reporter

Stefanie Johnson, Senior Court Reporter